

The Senate Committee on Judiciary offered the following substitute to SB 9:

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to invasion of privacy, so as to prohibit sexual extortion; to provide for definitions; to provide for elements of the crime; to provide for an exemption; to provide for penalties; to provide for venue; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to invasion of privacy, is amended by adding a new Code section to read as follows:

"16-11-92.

(a) As used in this Code section, the term:

(1) 'Coerce' means:

(A) Exposing or threatening to expose any fact or information that if revealed would tend to subject an individual to hatred, contempt, or ridicule;

(B) Exposing or threatening to expose any photograph or video depicting an individual in a state of nudity or engaged in sexually explicit conduct;

(C) Exposing or threatening to expose any fact or information that if revealed would tend to subject an individual to criminal proceedings or threatening to accuse any individual of a criminal offense; or

(D) Threatening to take or withhold action as a public official or cause an official to take or withhold action.

(2) 'Distribute' means to sell, lend, rent, lease, give, advertise, publish, exhibit, or otherwise disseminate.

(3) 'Nudity' shall have the same meaning as set forth in Code Section 16-11-90.

(4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section 16-12-100.

(b)(1) No person shall intentionally coerce orally, in writing, or electronically another individual who is more than 18 years of age to distribute any photograph, video, or other image that depicts any individual in a state of nudity or engaged in sexually explicit conduct.

(2) The provisions of this subsection shall not apply to the activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses.

(c) Any person that violates paragraph (1) of subsection (b) of this Code section shall:

(1) Upon the first offense, be guilty of and punished as for a misdemeanor of a high and aggravated nature; or

(2) Upon a second or subsequent offense, be guilty of a felony and upon conviction, be punished by imprisonment for not less than one year and not more than five years.

(d) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1 for any conduct made unlawful by this Code section in which the person engages while:

(1) Within or outside this state if, by such conduct, the person commits a violation of this Code section that involves an individual who resides within this state; or

(2) Within this state if, by such conduct, the person commits a violation of this Code section that involves an individual who resides within or outside this state.

(e) Each violation of this Code section shall be considered a separate offense and shall not merge with any other offense."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.